

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Ken Cohen, Assistant Town Administrator/797-1030

SUBJECT: Resolution

AFFECTED DISTRICT: Town wide

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2004 AMENDMENT TO THE INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

REPORT IN BRIEF: In 1993 Broward County adopted a supplemental "Additional" Local Option Gasoline Tax Ordinance that collects gasoline taxes and originally distributed funds between Broward County and eligible municipalities at a ratio of 62.5% County and 37.5% municipal. In 1997, the Board of County Commissioners approved a policy providing for increases in the Cities share of the "additional" local option gas taxes to take into account the population shift resulting from annexation. The 2004 amendment addresses the new distribution ratio of 54.54% to the County and 45.46% to the municipalities, an increase of .53%, over last year, to the municipalities. The funding distribution formula for municipalities reflects a population increase of 1067 for the Town of Davie and increased our distribution percentage from 2.229065 to 2.243035. With regard to population, the agreement specifically utilized University of Florida data for all cities.

PREVIOUS ACTIONS: R-2003-125

CONCURRENCES: Requires execution by the County

FISCAL IMPACT: N/A

Additional Comments:

Gas tax funds support roadway construction and maintenance operations within the Town.

RECOMMENDATION(S): Motion to approve this resolution

Attachment(s):

Resolution

2004 Amendment to Interlocal Agreement

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA APPROVING AND EXECUTING THE 2004 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE, PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM BROWARD COUNTY "ADDITIONAL" LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE.

WHEREAS, on September 1, 1993, the Board of County Commissioners Imposed an "additional" local option gas tax on motor fuel; and

WHEREAS, the distribution of these funds is adjusted annually to reflect population changes; and

WHEREAS, it is necessary that the Town of Davie approve the execution of the attached Amended Interlocal Agreement to receive a distribution of these funds; and

WHEREAS, the Interlocal Agreement shall be effective September 1, 1993, through December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The appropriate Town officials are hereby authorized to execute the 2004 Amendment to Interlocal Agreement, attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2004

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2004

2004 AMENDMENT
to
INTERLOCAL AGREEMENT
between
BROWARD COUNTY
and
DAVIE
providing for

DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD
COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

This 2004 Amendment to Interlocal Agreement, made and entered into by and between: BROWARD COUNTY, a political subdivision of the state of Florida, hereinafter referred to as "COUNTY,"

AND

DAVIE, a municipal corporation, existing under the laws of the state of Florida, hereinafter referred to as "MUNICIPALITY."

IN CONSIDERATION of the mutual terms, conditions, promises, covenants and payments hereinafter set forth and pursuant to the authorization of paragraph (1)(b)(2) of Section 336.025, Florida Statutes, the COUNTY and MUNICIPALITY agree as follows:

1. Paragraph 2 of the Interlocal Agreement, as previously amended, is hereby amended to read as follows:

2. Fifty-four and Fifty-four One-hundredths percent (54.54%) of the total proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance shall be distributed to the COUNTY and the remaining Forty-five and Forty-six One-hundredths percent (45.46%) of the total proceeds shall be divided among and distributed to the eligible municipalities within the COUNTY as follows:

$$\frac{\text{Population of Individual Municipality}}{\text{Total Incorporated Area Population}} \times 45.46\% =$$

<u>Recipient</u>	<u>FY 2005 Share of Proceeds</u>
Coconut Creek	1.334944%
Cooper City	0.805083%
Coral Springs	3.491591%
Dania	0.766867%
Davie	2.243035%
Deerfield Beach	1.820795%
Fort Lauderdale	4.757216%
Hallandale	0.981657%
Hillsboro Beach	0.062345%
Hollywood	4.009837%
Lauderdale-by-the-Sea	0.175561%
Lauderdale Lakes	0.888660%
Lauderhill	1.626505%
Lazy Lake	0.001069%
Lighthouse Point	0.304722%
Margate	1.520516%
Miramar	2.697419%
North Lauderdale *	1.115233%
Oakland Park	0.892512%
Parkland	0.514956%
Pembroke Park	0.184644%
Pembroke Pines	4.169819%
Plantation	2.361285%
Pompano Beach	2.427820%
Sea Ranch Lakes	0.020444%
Southwest Ranches	0.208519%
Sunrise	2.460300%
Tamarac	1.599565%
Weston	1.667984%
Wilton Manors	0.349097%
Total Incorporated	45.460000%

* Population was adjusted for annexation effective between 4/1/03 and 4/1/04.

2. Paragraph 3 of the Interlocal Agreement, as previously amended, is hereby amended to read:

3. The population figures set out herein are based on the figures contained in the document referred to as the "Florida Estimates of Population," published on

an annual basis by the Bureau of Economics and Business Research, Population Division, University of Florida. The population figures to be utilized in the formula described in Paragraph 2 of this Interlocal Agreement, for the division and distribution of the proceeds from the Broward County Additional Local Option Gas Tax on Motor Fuel Ordinance, shall be adjusted annually based on the current "Florida Estimates of Population."

For the purpose of this Agreement, the following population figures are hereby agreed upon:

<u>Recipient</u>	<u>Population</u>
Coconut Creek	47,471
Cooper City	28,629
Coral Springs	124,162
Dania	27,270
Davie	79,763
Deerfield Beach	64,748
Fort Lauderdale	169,168
Hallandale	34,908
Hillsboro Beach	2,217
Hollywood	142,591
Lauderdale-by-the-Sea	6,243
Lauderdale Lakes	31,601
Lauderhill	57,839
Lazy Lake	38
Lighthouse Point	10,836
Margate	54,070
Miramar	95,921
North Lauderdale *	39,658
Oakland Park	31,738
Parkland	18,312
Pembroke Park	6,566
Pembroke Pines	148,280
Plantation	83,968
Pompano Beach	86,334
Sea Ranch Lakes	727
Southwest Ranches	7,415
Sunrise	87,489
Tamarac	56,881
Weston	59,314
Wilton Manors	12,414

<u>Recipient</u>	<u>Population</u>
Total Incorporated	1,616,571
Unincorporated Area	81,854
Total County	1,698,425

* Population was adjusted for annexation effective between 4/1/03 and 4/1/04.

3. This 2004 Amendment to Interlocal Agreement shall become effective on the date last executed by the parties hereto provided that those eligible municipalities representing a majority of the incorporated area population have executed this Interlocal Agreement prior to June 1, 2004.

4. In the event this 2004 Amendment to Interlocal Agreement or a portion of this 2004 Amendment to Interlocal Agreement is found by a court of competent jurisdiction to be invalid, the remaining provisions shall continue to be effective unless COUNTY or MUNICIPALITY elects to terminate this Agreement. The election to terminate this Agreement based upon this provision shall be made within seven (7) days after the finding by the court becomes final.

5. Except to the extent amended, the Agreement shall remain in full force and effect. In the event of any conflict between the terms of this 2004 Amendment and the Agreement and/or any prior Amendment to the Agreement, the parties hereby agree that this document shall control.

6. This 2004 Amendment to Interlocal Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

[INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the parties have made and executed this 2004 Amendment to the Interlocal Agreement on the respective dates under each signature: BROWARD COUNTY through its BOARD OF COUNTY COMMISSIONERS, signing by and through its Mayor or Vice Mayor, authorized to execute same by Board action, and MUNICIPALITY, signing by and through its Mayor-Commissioner, duly authorized to execute same.

COUNTY

ATTEST:

BROWARD COUNTY, through its
BOARD OF COUNTY COMMISSIONERS

County Administrator and Ex-Officio
Clerk of the Board of County
Commissioners of Broward County,
Florida

By _____
Mayor
____ day of _____, 2004.

Approved as to form by
Office of County Attorney
Broward County, Florida
EDWARD A. DION, County Attorney
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301
Telephone: (954) 357-7600
Telecopier: (954) 357-7641

By _____
Pamela M. Kane
Assistant County Attorney

2004 AMENDMENT TO INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND CITY OF DAVIE PROVIDING FOR DIVISION AND DISTRIBUTION OF THE PROCEEDS FROM THE BROWARD COUNTY ADDITIONAL LOCAL OPTION GAS TAX ON MOTOR FUEL ORDINANCE

MUNICIPALITY

WITNESSES:

DAVIE

By _____
Mayor-Commissioner

____ day of _____, 2004.

ATTEST:

By _____
Municipal Clerk

Municipal Manager

____ day of _____, 2004.

(CORPORATE SEAL)

APPROVED AS TO FORM:

By _____
Municipal Attorney

PMK
02/04/2004
DaniaBeach3.docDAVIE